

Don W. Martens*
James B. Bear
Darrell L. Olson*
William B. Bunker
William H. Nieman
Arthur S. Rose
James F. Lesniak
Nad A. Israelson
Drew S. Hamilton
Jerry T. Sewell
John B. Sganga, Jr.
Edward A. Schlatter
Gerard von Hoffmann
Joseph R. Re
Catherine J. Holland
John M. Carson
Karen Vogel Weil
Andrew H. Simpson
Jeffrey L. Van Mooscar
Daniel E. Altman
Stephen C. Jensen
Vito A. Canuso III
William H. Shreve
Lynda J. Zadra-Symast
Steven J. Nalaupsky
Paul A. Stewart
Joseph F. Jennings
Craig S. Summers
AnneMarie Kaiser
Brenton R. Babcock
Thomas F. Smegal, Jr.
Michael H. Trenholm
Diane M. Reed
Ronald J. Schoenbaum
John R. King
Frederick S. Berretto
Nancy W. Vansko
John P. Giesentanner
Adele S. Akhtar
Thomas R. Arno
David N. Weiss
Daniel Hart, Ph.D.
Douglas G. Muehlhauser
Lori Lee Yamato
Michael K. Friedland
Dale C. Hunt, Ph.D.
Richard E. Campbell
Stacey R. Halpern
Lee W. Henderson, Ph.D.
Mark M. Abumerl

Jon W. Gurka
John W. Holcomb
Joseph M. Reisman, Ph.D.
Michael L. Fuller
Eric M. Nelson
Mark R. Benedict, Ph.D.
Paul N. Conover
Robert J. Roby
Sabing H. Lee
Kathleen A. Delaney
Joseph S. Gianfrani
William R. Zimmerman
Paul C. Steinhart
Eric S. Furman, Ph.D.
Susan M. Nadland
James W. Hill, M.D.
Deborah S. Shepherd
Glen L. Nuttall
Tirzah Abé Lowe
Sanjivpal S. Gill
Rose M. Thiessen, Ph.D.
Michael A. Guiliana
Mark J. Kertz
Rabinder N. Narula
Bruce S. Itzhakowitz, Ph.D.
Michael S. Okamoto
John M. Grover
Mallory K. De Merlier
Iran A. Lateef
Amy C. Christensen
Sharon S. Ng
Mark J. Gallagher, Ph.D.
David G. Janowski, Ph.D.
Brian C. Horne
Payson J. LeMelleur
Sheila N. Swaroop
Ben A. Katzenellenbogen
Linda H. Liu
Andrew N. Merickel, Ph.D.
David L. Hauser
James F. Herkenhoff
Scott Loras Murray
Andrew M. Douglas
Marc T. Morley
Salima A. Morani, Ph.D.
Sam K. Tahmassebi, Ph.D.
Christy G. Lee
Jonathan A. Hyman
Curtiss C. Donier
Joseph J. Mallon, Ph.D.

Knobbe Martens Olson & Bear LLP

Intellectual Property Law

2040 Main Street
Fourteenth Floor
Irvine, CA 92614
Tel 949-760-0404
Fax 949-760-9502
knob.com

CONFIRMATION COPY WILL FOLLOW VIA:

- ☐ MAIL
☐ INTERNATIONAL AIRMAIL
☐ COURIER
☐ E-MAIL
☒ WILL NOT FOLLOW
☐ HAND DELIVERY
☐ WITH ENCLOSURES
☐ WITHOUT ENCLOSURES

Thomas P. Krzeminski
Sean M. Murray
Elenora Niu
Valerie L. Bracken
J. David Evaradtt
Perry D. Oldham
Jerry L. McIner, Ph.D.
Russell M. Jelde
Abraham W. Chuang
Pui Tong Ho, Ph.D.
Erik T. Anderson
John L. Palk
Jesse A. Rothwell
Marc C. Baumgartner
Danielle Klausner
Kyle F. Schuster
Raphael A. Gutierrez
Demian K. Jackson
Nathan A. Engels
Gregory A. Hermanson
Zi Y. Wong
John N. Kandara
Matthew S. Bollinger
David K. Wiggins
Darryl H. Steensma, Ph.D.
Lauren J. Keller
Tod M. Cannon
Carol M. Pitzel
Joseph A. Villalta
Shaila R. Gibson
Andrew I. Kimmel
Curtis R. Huffmire
Tina Chen
Brandon Gingrich, Ph.D.
Christopher L. Ross
Don W. Anthony, Ph.D.
John G. Rickenbrode
Aaron D. Barker
Christian A. Fox
M. Todd Hales
Ell A. Loots, Ph.D.
Jennifer L. Enmon, Ph.D.
Shuaib A. Atque
Ryan E. Melnick, Ph.D.
Brian C. Leubitz
Yanna S. Bouris
Philip M. Nelson
Karl L. Klassen
Jason T. Evans

Of Counsel
Louis J. Knobbe*
Jerry R. Seiler
Japanese Patent Atty
Katsuhiko Arai
Tomohisa Sugiyama

Korean Patent Atty
Mincheol Kim
Heungsoo Choi

Scientists & Engineers
(Non-Lawyers)

Raimond J. Salenleka**
Khurram Rehman, Ph.D.
Jennifer Haynes, Ph.D.**
Che S. Cherasin, Ph.D.**
James W. Ausley**
Kirk E. Pastorian, Ph.D.**
Connie C. Tong, Ph.D.**
Suzanne Japson, Ph.D.**
Mira M. Brand**
Tiffany C. Miller**
James W. Chang, Ph.D.**
Maxina L. Gorday, Ph.D.**
W. Frank Dauerer
Lang J. McHardy**
Karen J. Lenker
Chris Westberg, Ph.D.
Eric B. Ivos, Ph.D.**
Raymond D. Smith, Ph.D.

* A Professional Corporation
† Also Barrister At Law (Eng. & Wales)
** U.S. Patent Agent
†† Also Solicitor of Patents

Facsimile Transmittal Sheet

Confidentiality Notice:

The documents accompanying this facsimile transmission contain confidential information which may be legally privileged. The information is intended only for the use of the recipient named below. If you have received this facsimile in error, please immediately notify us by telephone to arrange for return of the original documents to us; and any disclosure, copying, distribution or the taking of any action in reliance on the contents of this faxed information is strictly prohibited.

TO: Examiner Neill R. Wilson
FIRM: United States Patent and Trademark Office
YOUR REF.: Serial No. 10/728,693
FACSIMILE NO.: (703) 872-9306
FROM: Michael A. Guiliana
DATE: May 13, 2004

OUR REF.: TRACKER.1C1DVI
Group Art Unit: 3679

OPERATOR: Ping-Ping Tang
NO. OF PAGES: 4 (incl. cover sheet)
TIME:

IF YOU DID NOT RECEIVE ALL OF THE PAGES PLEASE CALL BACK IMMEDIATELY

OPERATOR PHONE NO.: (949) 760-0404

FACSIMILE NO.: (949) 760-9502

MESSAGE:

550 West C Street
Suite 1200
San Diego CA 92101
Tel 619-235-6550

201 California Street
Suite 1150
San Francisco CA 94111
Tel 415-954-4114

1901 Avenue of the Stars
Suite 1500
Los Angeles CA 90067
Tel 310-551-3450

3403 Tenth Street
Suite 700
Riverside CA 92501
Tel 951-781-9231

1114 Marsh Street
San Luis Obispo CA 93401
Tel 805-547-5580
Fax 805-547-5580

Docket No.: TRACKER.1C1DV1

Customer No.: 20,995

AMENDMENT / RESPONSE TRANSMITTAL

Applicant : Stephen H. Albertson et al.
App. No. : 10/728,693
Filed : December 5, 2003
For : CATEGORIZING
FASTENERS AND
CONSTRUCTION
CONNECTORS USING
VISUAL IDENTIFIERS
Examiner : Neill R. Wilson
Art Unit : 3679

CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all marked attachments are being transmitted via facsimile to Examiner Neill R. Wilson, Fax No. (703) 872-9306 (Central fax) of the USPTO on the date shown below:

May 13, 2004

Michael A. Guiliana, Reg. No. 42,611

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RECEIVED
CENTRAL FAX CENTER

MAY 13 2004

OFFICIAL

Transmitted herewith for filing in the above-identified application are the following enclosures:

- (X) Preliminary Remarks in 2 pages.
- (X) The present application qualifies for small entity status under 37 C.F.R. § 1.27.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Michael A. Guiliana
Registration No. 42,611
Attorney of Record
Customer No. 20,995
(949) 760-0404

H:\DOCS\MAG\MAG-6321.DOC
051304

TRACKER1C1DV1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Stephen H. Albertson et al.
 Appl. No. : 10/728,693
 Filed : December 5, 2003
 For : CATEGORIZING FASTENERS
 AND CONSTRUCTION
 CONNECTORS USING VISUAL
 IDENTIFIERS
 Examiner : Neill R. Wilson
 Group Art Unit : 3679

CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all marked attachments are being transmitted via facsimile to Examiner Neill R. Wilson, Fax No. (703) 872-9306 (Central fax) of the USPTO on the date shown below:

May 13, 2004

(Date)

Michael A. Guiliiana, Reg. No. 42,611

PRELIMINARY REMARKSRECEIVED
CENTRAL FAX CENTER

MAY 13 2004

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

OFFICIAL

Dear Sir:

Prior to examination of the present application, Applicant submits the following remarks.

REMARKS

Applicants would like to thank Examiner Wilson for the courteous interview extended to applicants' counsel, Michael A. Guiliiana, on April 22, 2004. During the interview, the Examiner indicated that it would helpful if Applicants submitted comments as to the relevance of U.S. Patent No. 5,511,917 issued to Dickson. In response, Applicants' counsel agreed to submit comments regarding the Dickson reference to the effect that the Dickson reference teaches one form of the prior art discussed in the Background section of the present application. For example, as set forth in the present application from page 2, line 17 through page 3, line 2:

Prior attempts to solve this problem have been unsuccessful. For example, one such attempt is described in U.S. Pat. No. 5,511,917 issued to Charles F. Dickson, the entirety of which is incorporated by reference as if fully set forth herein. The Dickson patent describes a complex system in which numbers and clock like markings are inscribed into nail heads. The markings represent a pattern from which the length and/or gauge of the nail can be identified. However, because the size of the markings is limited by the size of the nail head, for very small nails, the markings cannot be distinguished unless one is within a close proximity (12" maximum) to the nail due to the small size of the inscription. This

-1-